

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: MULTIPLAN HEALTH  
INSURANCE PROVIDER LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 1:24-cv-06795  
MDL No. 3121

Hon. Matthew F. Kennelly

**CASE MANAGEMENT ORDER NO. 6**  
**(Consolidated Master Complaint and**  
**Individual Short Form Complaints**  
**for Direct Action Plaintiffs)**

To avoid future disagreement, Plaintiff6fs' Coordinating Counsel, the Direct Action Plaintiff ("DAP") Executive Committee, and Defendants' Liaison Counsel have met and conferred regarding the upcoming DAP Complaint filings. Regarding the Consolidated Master Direct Action Plaintiff ("DAP") Complaint, ordered to be filed on November 18, 2024, the DAPs and Defendants have agreed to, and propose for the Court's consideration, the following procedures, which shall govern all DAP cases in this MDL proceeding. No DAP case may be brought in this MDL other than pursuant to the terms of this Order and applicable previous and future orders from the Court, including the proposed Direct Filing Order to be submitted to the Court by November 22, 2024 pursuant to CMO 4. This Order is binding on all parties and their counsel in all such cases. Nothing in this Order is intended to (or does) alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Rules of this Court, except as otherwise provided herein or in any subsequent order. This Order expressly preserves all defenses, including jurisdictional, venue, and any other challenges under Federal Rule of Civil Procedure 12(b)(1), which will be briefed and decided at a later point in time as determined by the Court.

**A. Master DAP Complaint**

1. **Timing.** Nothing in this Order affects the timing for the filing of a Consolidated Master Complaint for the Direct Action Plaintiffs (“Consolidated Master DAP Complaint”) and anticipated motions to dismiss and/or compel arbitration as set forth in CMO 4.

2. **Effect of Master DAP Complaint.**

- a. All claims pleaded in the Consolidated Master DAP Complaint will supersede and replace all claims in any DAP action pending in this MDL. Nothing in this Order shall preclude the DAP EC from seeking leave to amend the Consolidated Master DAP Complaint as provided in the Federal Rules of Civil Procedure.
- b. For every individual Direct Action Plaintiff in this MDL proceeding, the Consolidated Master DAP Complaint (and any subsequent amendments, if applicable) combined with the Short Form Complaint filed by that Plaintiff pursuant to the terms below (and any subsequent amendments, if applicable), shall be deemed that Plaintiff’s legally operative pleading. Notwithstanding the combination of the Consolidated Master DAP Complaint and the Short Form Complaint, each DAP’s case shall retain its individual nature, including for purposes of any applicable rights under *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35-37, 41-42 (1998).

**B. Short Form Complaints**

1. The DAP EC will attach as Exhibit A to the Consolidated Master DAP Complaint a proposed form Short Form Complaint for use by individual DAPs in current and

future-filed DAP cases in this MDL. Defendants reserve the right to raise any unresolved issues concerning the proposed form Short Form Complaint at the scheduled November 26, 2024 conference.

2. The Short Form Complaint will be an abbreviated form pleading that each DAP will complete to adopt all of the factual allegations set forth in the Consolidated Master DAP Complaint, and to indicate the claim or claims set forth in the Consolidated Master DAP Complaint that each DAP chooses to assert. The Short Form Complaint shall be deemed to adopt the allegations set forth in the Consolidated Master DAP Complaint by reference and in addition shall contain, for each individual case:

- a. the name of the DAP;
- b. each DAP's state of incorporation/organization and the state in which the DAP has its principle place of business;
- c. If the DAP's case was originally filed in or removed to another federal district court and then transferred to this MDL, the federal district court in which the action was originally filed or to which it was removed;
- d. the injuries the DAP alleges resulted from the challenged conduct;
- e. the specific Defendant(s) named in the Master Complaint against whom the DAP asserts claims;
- f. As to each Defendant, the causes of action in the Consolidated Master DAP Complaint the DAP adopts, indicated by checking the applicable box on the Short Form Complaint; and
- g. Any additional facts demonstrating the DAP has standing to bring its causes of action.

3. Other than as expressly set forth above, absent further direction or leave of Court, each Short Form Complaint filed by a party represented by a member of the DAP EC may not, during the motion to dismiss process, assert additional factual allegations, claims and/or causes of action or name Defendants not named in the Consolidated Master DAP Complaint.

4. **Timing and Effect of Filing Short Form Complaints.**

a. Any DAPs whose complaint was transferred or reassigned to this MDL before filing of the Consolidated Master DAP Complaint must file a Short Form Complaint (in his or her individual case referencing their individual docket number), within fourteen (14) days of the date on which the Consolidated Master DAP Complaint is filed, provided that the members of the DAP EC shall file Short Form Complaints on November 18, 2024 for at least 50% of such DAPs represented by the DAP EC and shall file Short Form Complaints for all of the remaining such DAPS represented by the DAP EC by 5:00 pm CT on November 25, 2024. Any motion to dismiss filed against the Consolidated Master DAP Complaint shall be deemed filed against all plaintiffs who have filed direct action complaints in this action and filed Short Form Complaints in compliance with this Order.

b. Any DAP whose complaint is transferred or reassigned to this MDL after the filing of the Consolidated Master DAP Complaint must file a Short Form Complaint within 21 days of the date on which the MDL Court posts the applicable transfer or reassignment order on its docket,

c. For purposes of statutes of limitations and statutes of repose, a DAP shall be deemed to have filed its complaint as of the date on which that DAP first filed a long-form complaint in any district or, if the DAP has only filed a Short Form Complaint, the date on which it filed the Short Form Complaint, and not the date on which the Consolidated Master DAP

Complaint is filed. Nothing in this Order or the filing of a Short Form Complaint shall be construed as a prior dismissal or amendment of a prior complaint, but the prior complaint shall no longer be deemed the operative complaint.

5. **Amended Short Form Complaints.** Any DAP that has filed a Short Form Complaint and wishes to amend the same may do so under the parameters of the Federal Rules of Civil Procedure and this Court's relevant Orders. Any amended Short Form Complaint shall specify in its title "Amended Short Form Complaint."

**C. Master Answer**

1. If any Defendant files a motion to dismiss the Consolidated Master DAP Complaint and such motion does not result in the dismissal of the Consolidated Master DAP Complaint in its entirety, that Defendant shall file a Master Answer to the Consolidated Master DAP Complaint as well as, if applicable, individual Answers to any Short Form Complaints at a date to be determined by the Court.

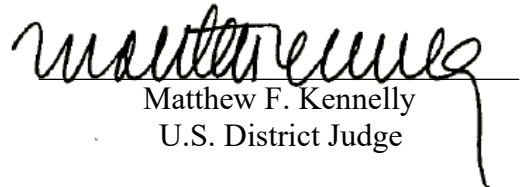
2. Each Defendant's Master Answer to the Consolidated Master DAP Complaint shall be filed on the MDL No. 3121 docket and also on the individual docket for each DAP action, and each Master Answer shall be deemed to be that Defendant's Answer to all properly served complaints in which that Defendant is named, whether a Short Form Complaint or otherwise, in any case now or in the future pending in this MDL, including those cases filed directly in this MDL consistent with this Order, transferred to this MDL, or removed to this Court and included in this MDL. The Parties agree that all affirmative defenses pleaded in each of the Defendant's Master Answer to the Consolidated Master DAP Complaint are deemed incorporated in response to any Short Form Complaint.

3. Defendants are not required to file an individual Answer to any Short Form Complaint filed in this MDL, or in any case transferred into this MDL, unless otherwise ordered to do so by this Court.

4. By agreeing to the procedures for filing the Consolidated Master DAP Complaint and the Short Form Complaints, no Defendant has agreed to or admitted the allegations that will be set forth in those documents, nor has any Defendant conceded or waived its rights to dispute the legal validity of the claims alleged therein. Defendants also retain all of their rights under *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998).

**IS IT SO ORDERED.**

Dated: 11/26/2024

  
Matthew F. Kennelly  
U.S. District Judge